

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

TIMOTHY MARTINEZ

PLAINTIFF

V.

No. 4:20-CV-1148-BSM

CHARLES “DOC” HOLLADAY, individually and
in his official capacity as former Sheriff of
Pulaski County, Arkansas; ERIC HIGGINS,
in his official capacity as Sheriff of Pulaski County,
Arkansas; DEPUTY MURPHY, individually and
In his official capacity as a deputy with the Pulaski
County Sheriff’s Office; TURN KEY HEALTH
CLINICS, LLC; CORIZON HEALTH, INC.; and
JANE and JOHN DOES 1-50

DEFENDANTS

MOTION FOR SUMMARY JUDGMENT

Comes separate defendant, Turn Key Health Clinics, LLC (“Turn Key”), for its motion for summary judgment, and states as follows:

1. Timothy Martinez filed this action against Turn Key and others on September 25, 2020. Turn Key filed a timely answer and this matter is set for a jury trial the week of April 25, 2022.
2. The only claim against Turn Key is a claim for medical malpractice.
3. Turn Key propounded targeted discovery seeking the identification of expert witnesses against it as required by the Arkansas Medical Malpractice Act.
4. Mr. Martinez refused to respond and clearly has no expert support for his claim against Turn Key.

5. Absent expert support, summary judgment is appropriate. Well into this litigation and despite clear discovery seeking expert identification, disclosure, and report, Mr. Martinez has no expert support for essential elements of his medical malpractice claim against Turn Key. Without expert support, his claim fails, and Turn Key is entitled to summary judgment.

6. A medical-malpractice complaint is subject to a motion for summary judgment when the plaintiff fails to present expert evidence of these three elements and the defending party demonstrates that the plaintiff lacks proof on one or more of these essential elements. *Hamilton v. Allen*, 100 Ark. App. 240, 245, 267 S.W.3d 627, 631-32 (2007). “When the defendant demonstrates the plaintiff’s failure to produce the requisite expert testimony, *the defendant has demonstrated that no genuine issues of material fact exist and is, therefore, entitled to summary judgment as a matter of law.*” *Id.* at 249, 267 S.W.3d at 634 (emphasis added).

7. Turn Key now moves for summary judgment and files herewith a brief in support of this motion as well as the statement of undisputed facts, as required by Local Rule 56.1.

8. For the reasons, arguments, and authorities set forth in this motion and the contemporaneously filed brief and statement of undisputed facts, Turn Key is entitled to summary judgment and that the claim against it be dismissed with prejudice.

WHEREFORE defendants, Turn Key Health Clinics, LLC, prays that its motion for summary judgment be granted, that it be dismissed from this case with prejudice, and for all other relief to which it is entitled.

Respectfully submitted,

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